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Minutes of the  
South Dakota Emergency Response Commission Meeting  
Conducted via Digital Dakota Network  
Matthews Training Center, Joe Foss Building, Pierre, SD

March 28th, 2023  
10:00 AM Central Time

COMMISSION MEMBERS PRESENT: Chairman Dustin Willett, Vice Chairman Paul Merriman, Trish Kindt, Dave Ackerman, Doug Hinkle, Becky Pitz, Sean Kruger

COMMISSION MEMBERS ABSENT: Tina Titze, Jason Humphrey, Paul Merriman, Kaitlin Thomas, Andrew Canham

OTHERS PRESENT: Rhett Howard, OEM, Jon Groen, SD DHS, Kelsey Newling, SD DANR, Bre Bockstahler, EPA Region 8, Craig Conway, CISA, Matt Mitrovich, CISA, Ben Sharaf, EPA Region, Doug Hinkle, Jason Bauder, Office of Emergency Management, Becky Fitz, POET, Jeremy Siembida, PHMSA, Dan Richards, PHMSA

INTRODUCTIONS: Participants introduced themselves

CALL TO ORDER AND ROLL CALL: Dustin Willett called the meeting to order. The roll was called, and a quorum was present.

Chairman Dustin Willett announced the meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

APPROVAL OF DECEMBER 20, 2022 SERC MEETING MINUTES: Motion by Becky Pitz, second by Trish Kindt to approve the minutes from the December 20<sup>th</sup>, 2022, State Emergency Response Commission meeting. A roll call vote was taken and, and the motion carried unanimously.

MOTION TO MOVE AGENDA ITEM 5 to 4: Motion by Dave Ackerman, second from Jason Bauder to discuss the LEPC grants because Trish Kindt had to leave. A roll call vote was taken, and the motion passed unanimously.

Kelsey Newling announced that there currently is not enough votes for the quorum and will need to split up the LEPC Roster. The decision was made to pull out Pennington, Davison, McPherson and vote on the other counties.

LEPC ROSTER REVIEW /APPOINTMENTS – KELSEY NEWLING, DANR: Kelsey Newling updated 9 LEPC did not submit rosters. Those counties are Aurora, Haakon, Jackson, Jerauld, Lyman, Oglala Lakota, Sanborn, Todd, and Union. These counties are not very active and a few of them have gone inactive since last year. That is mostly because they cannot generate enough interest in the county to have meetings. 2 Counties Hughes/Stamley and Hyde are reorganizing and asked that we give them more time to get their rosters in and vote on the approval at our June meeting. 1 County is submitting but just have not gotten it to us yet. Which is Mellette and will need to be approved at our June meeting

Kelsey Newling asked that the SERC do 3 things:

- 1) Review the 48 LEPC rosters provided, and vote either to approve, revise, or deny the LEPC membership rosters as submitted. Dustin Becky and Dave will need to abstain from approving their rosters and we will need separate votes.
- 2) Vote on waiting for the other 3 counties Hughes/Stamley and Hyde Mellette to approve at our June meeting.
- 3) Finally, when it comes to the counties that have told us they don't have LEPC's (Aurora, Haakon, Jackson, Jerauld, Lyman, Oglala Lakota, Sanborn, Todd, and Union), I ask that the SERC consider appointing individuals to serve as the LEPC. Motion was made by to appoint

Motion by Dave Ackerman to approve re organization to next June meeting. It was second by Jason Bauder. A roll call vote was taken, and the motion passed unanimously.

In the past, the SERC has named the Emergency Manager, States Attorney, Sheriff, and County Commission to serve as the LEPC. The Chair of the County Commission becoming the chair of the appointed LEPC. Doug Hinkle made the motion to appoint for LEPC, Dave Ackerman seconded. A roll call vote was taken, and the motion passed unanimously. Jason Bauder made a motion to accept or approve the rest of the rosters. It was seconded by Doug Hinkle. A roll call vote was taken, and the motion passed unanimously.

#### FEDERAL UPDATES:

Bre Brockstahler with EPA gave an update Thanking everyone who attended the western regions conference attendance. Next years will be in person in Clark County Las Vegas Nevada January 23 and 25<sup>th</sup>. NASTTPO conference is coming up in Salt Lake City Utah April 17-20<sup>th</sup>. Quarterly newsletter went out this past Friday with covering some of the spill that in east Palestine. There are no current updates on regulatory side. RMP proposal remains the same, upcoming dates for emergency planning, no further updates. Finally regional response team is meeting on April 11 and will have virtual option.

Kelsey Newling gave addition of information on workshop week of July 17 tentative locations are Aberdeen Brookings Yankton and Rapid City. Planning on having OSHA for sure in the meeting.

Jeremy Siembida from PHMSA introduced by Chairman Dustin Willett

Dan Richards PHMSA update chemical safety webinars, lithium battery webinars, focus on tribal communities and emergency response, helping them with their needs, and or grants information, prepared to do presentations for emergency response or grants whatever is needed, a lot of new openings for investigators, getting

Matt CISA had no updates from the last meeting.

Chairman Dustin Willett asked if there are any federal partners that joined in the call. No one else joined the group. Chairman Dustin Willett opened up questions for federal partners. Hearing none thank you from chairman Dustin Willett.

#### REGIONAL HAZ MAT TEAM UPDATE – SOUTH DAKOTA OFFICE OF HOMELAND SECURITY:

Jon Groen not present during the meeting. No new information on Haz Mat of an update busy doing training by Kelsey Newling.

#### HMEP GRANTS, TRAINING AND PLANNING REPORT – OEM:

Rhett no new information OEM office not a whole lot to report HMEP 22 is a 3 year grant cycle. Three requests from Codington County, processed and head to them for \$4500 dollars. Applications submitted to PHMSA, Aberdeen rapid city and 5 different counties, hope to hear back by August

#### TIER II REPORT SUBMITTALS – KELSEY NEWLING:

Kelsey Newling updated members, on Tier II report are reports facilities that store hazardous substances are required to file on an annual basis.

The reporting threshold for most substances is 10,000 pounds, but the threshold is lower for certain substances.

The reason facilities are supposed to report, is to ensure planners, responder, and the general public know what is stored in the local community.

The Tier II reporting deadline was March 1, 2023. This year it seemed like it was pretty steady for reports coming in since the first of the year. Every year we are seeing less and less paper reports and I am working very hard on pushing facilities to report online. When they do make the switch they are finding the reporting online to be easier than paper reports. As of today, we have received reports from 1,719 facilities. There are still a number of facilities that have not submitted their reports. We are in the process of contacting those facilities and reminding them to get their reports in as the reporting deadline has passed.

Summarized Tier II data is available to the general public online and detailed data, including copies of the reports is available to planners and first responders via a password protected website.

Beginning in May, we will begin receiving Toxic Release Inventory (TRI) reports. I will talk more about the TRI reports at the June SERC meeting. 1987 facilities when pull done but includes closed and training reports Total 1987 facilities in database – 268 not signed

#### LEGISLATIVE UPDATE – TRISH KINDT, DANR:

Trish Kindt had to step out report was provided by Kelsey Newling. Legislative update: Last day of session was yesterday, handful of bills related. If you want more information the bills please reach out to Trish or legislative webpage, SDlegislature.gov

Senate bill 17 – bill to make appropriation environmental purposes, every year, added a few projects considered important. Water investment, western Dakota water, Bell Fouché irrigation. The bill was passed and was signed by Governor Noem on March 15.

Senate bill 18 – state fair construction of Dakota event complete. The bill was passed and was signed by Governor Noem on March 19.

Senate bill 20 – funds awarded to particular system. The bill was passed and was signed by Governor Noem on March 6

Senate bill 92 – Water pollution permits. The bill was passed and was signed by Governor Noem on February 27.

House bill 11 27 – Support volunteer fire departments The bill was passed and was signed by Governor Noem on March 16

12 09 – industrial hemp, proposed 1% - 5%, delivered to governor. The bill was passed and was vetoed.

12 39 – ban of fuel gas used by consumers. The bill was passed and was signed by Governor Noem on March

#### PUBLIC COMMENT PERIOD:

Chairman Dustin Willett opened the floor for public comment. No comments were made.

#### OTHER BUSINESS:

Chairman Dustin Willett updated that there is a PFAS town hall meeting tonight in Pennington County.

Higher tier railroad update report on hazard material some questions what is the accessibility for the smaller rail lines, questions the SERC may have to answer for some LEPCs, EM conference education with EM community for options to house some of the in web EOC, talking with LEPC and EMs to add documents.

Some of the LEPCs, EM conference education with EM community for options to house some of that in web OEC, talking with LEPC and Ems to add documents to add.

Kelsey Newling updated that Andrew Fox will be at the town hall, at 4:00PM, Burlington Northern sent an update and will send out when we are done here, last comment is next meeting is June 27<sup>th</sup> 10:00AM Central time

Chairman Dustin Willett entertained a motion to adjourn. David Ackerman made the motion, seconded by Sean Kruger. A roll call vote was taken, and the vote was unanimous